DETAILED ACTION

Examiner's Amendment

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview

with Mr. John E. Holmes (Reg # 29,392) on 6/19/09.

The application has been amended as follow:

IN THE CLAIMS.

1.   (Currently Amended) A computer program embodied in a computer-
readable medium for comparing at least two sets of multimedia data ~~using~~ with shape
information so as to provide a dissimilarity measure between the sets, a first set forming
a reference set and the second set being compared relative to the first set, comprising:

a)   a first set of instructions for providing shape information in the form of a set of
approximately equidistant contour points for each set of multimedia data;

b)   a second set of instructions for associating the contour points of the first set with
contour points of the second set so as to define associated contour points; and

c)   a third set of instructions for calculating distances between said associated
contour points,

wherein the distances between said associated contour points are used to
determine a dissimilarity measure between said sets of multimedia data, thereby
providing an indicator of the degree of similarity between the sets.

20.   (Currently Amended) A computer-implemented method for comparing at
least two sets of multimedia data ~~using~~ with shape information so as to provide a

dissimilarity measure between the sets, a first set forming a reference set and the second set being compared relative to the first set, the method comprising causing a computer to carry out the steps of:

a)   providing ~~shape information in the form of~~ a set of approximately equidistant contour points for each set of multimedia data;

b)   associating the contour points of the first set with contour points of the second set so as to define associated contour points; and

c)   calculating distances between said associated contour points,

wherein the distances between said associated contour points are used by said computer to determine a dissimilarity measure between said sets of multimedia data, said computer thereby providing an indicator of the degree of similarity between the sets.

21.   (Currently Amended) A system for comparing at least two sets of multimedia data ~~using~~ with shape information so as to provide a dissimilarity measure between the sets, a first set forming a reference set and the second set being compared relative to the first set, the system comprising:

a)   means for providing ~~shape information in the form of~~ a set of approximately equidistant contour points for each set of multimedia data;

b)   means for associating the contour points of the first set with contour points of the second set so as to define associated contour points; and

c)   means for calculating distances between said associated contour points,

wherein the distances between said associated contour points are used by said system to determine a dissimilarity measure between said sets of multimedia data, said system thereby providing an indicator of the degree of similarity between the sets.

Response to Amendment

2.   Applicant's amendment filed on 2/17/09 has been entered.

In response to applicant's amendment the rejection for 101 has been withdrawn.

Claim 19 is cancel.

Claims 1- 18, 20- 21 are pending in the application.

Response to Arguments

3.   Applicant's arguments filed on 2/17/09 have been fully considered and are

persuasive.

Reason For Allowance

4.   The following is an examiner's statement of reasons for allowance:

Claims 1- 18, and 20-21 are allowed, Renumbered as 1-20.

The examiner requested applicant to have a telephone interview and also

recommended to amend the claims 1, 20 and 21, because preamble has not been given

patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a

process or the intended use of a structure, and where the body of the claim does not

depend on the preamble for completeness but, instead, the process steps or structural

limitations are able to stand alone. Examiner have asked applicant to amend the claim 1

line 2 delete "using" by add "with" in the preamble of claim and also amend in the body

of the claim 1 line 5 add " shape information in the form of" followed by the claim

limitation. Similarly claim 20 and 21 has been amended by doing the examiner

amendment see above. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and

Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

For Independent claims 1, 20 and 21, the prior art on record Chen et al., (US.

7,224,357 B2) discloses three-dimensional modeling based on photographic images.

Tessadro (US. 7,003,161 B2) discloses systems and methods for boundary detection in

images. Mahoney (US. 5, 255,354) discloses comparison of image shapes based on

near neighbor data. Darrell et al., (US. 6,343,150 B1) discloses detection of image

correspondence using radial cumulative similarity. Chen, Tessadro, Mahoney and

Darrell fail to teach c). a third set of instructions for calculating distances between said

associated contour points,

wherein the distances between said associated contour points are used to

determine a dissimilarity measure between said sets of multimedia data, thereby

providing an indicator of the degree of similarity between the sets. Therefore, the

prior art of record fails to teach either singularly or in combination, fails to anticipate

or render the above limitations obvious. Claims 1-18, 20 and 21 are allowed.

5.   Any comments considered necessary by applicant must be submitted on later

than the payment of the issue fee and to avoid processing delays should preferably

accompany the issue fee. Such submissions should be clearly labeled   comments on

statement of reasons for allowance.

Contact Information

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHEELA C. CHAWAN whose telephone number is (571)272-7446. The examiner can normally be reached on 7.30- 5.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on 571-272-7401. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sheela C Chawan/

Primary Examiner, Art Unit 2624